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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,767	10/22/1999	KURUMI MORI	1232-4582	9983

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,767

Applicant(s)

MORI ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 21-40 and 54-66 is/are pending in the application.
- 4a) Of the above claim(s) 14-20, 41-53 and 67-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-40 and 54-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments for amended claims 1-13, 21-40 and 54-66, see pages 19, lines 3-16, filed on 2/2/04, with respect to the rejection(s) of claims 1-13, 21-40 and 54-66 under 35 U.S.C. 102(e) as being anticipated by Kuno U.S. Patent 6,567,121 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Narayen et al. U.S. Patent 6,035,323.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 21-40 and 54-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Narayen U.S. Patent 6,035,323.

Referring to claim 1, the Narayen et al. reference discloses in Figures 2-3, 12A-C and 13-14, a method of managing a photographing condition (picture management system) of an image sensing apparatus by a user, comprising: a displaying step (see Figures 12A-C) of

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displaying an image photographed by the image sensing apparatus (e.g., client computer system 501 as shown in Figure 3, including a digital image input device 521 which is a digital camera for input the images into the computer system 501, see Col. 5, lines 55-60) and an associated photographing condition (file properties widow 1211a in Figure 12B) in photographing the image; an image selection step of selecting the image by the user while the user monitors the image; and a first storage step of storing (picture database in the file storage device) the image and the associated photographing condition upon receiving a request from the user (user can select particular image and clicking the OK button for requesting to store the data to the picture database or selecting from manual bar 1202 or icon 1204, see Col. 14, lines 1-56).

Referring to claim 2, the Narayan reference discloses an input step of inputting a photographing status (General picture properties window 1211 in Figure 12A) of the image selected in said image selection step; and a second storage step of storing the photographing status input in said input step in association with the selected image as shown in Figure 12A-C (See Col. 14, lines 29-38).

Referring to claim 3, the Narayan reference discloses a reception step (Picture Database 110) of receiving one or more images and a photographing condition in photographing each image from the image sensing apparatus, wherein said image selection step comprises selecting one image (the selected image is shown in window 1207) from images (a plurality images in window 1209) received in said reception step as shown in Figure 12A-C.

Referring to claim 4, the Kuno reference discloses wherein said first storage step comprises storing the image and photographing condition in memory (client computer

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system memory 601) of a control apparatus (Processor 505) of the image sensing apparatus (computer system 501 can be considered as “digital camera system”, see Col. 6, lines 32-40).

Referring to claim 5, the Narayan reference discloses wherein said first storage step comprises storing the image and photographing condition (file properties window 1211a in Figure 12B) in an external storage medium (Web Server Computer System 111 including memory 701, See Figures 5 and 11, in step 229).

Referring to claim 6, the Narayan reference discloses wherein said second storage step comprises storing the photographing status (General picture properties window 1211 in Figure 12A) in memory (client computer system memory 601) of a control apparatus of the image sensing apparatus (501).

Referring to claim 7, the Narayan reference discloses wherein said second storage step comprises storing the photographing status in an external storage medium (Web Server Computer System 111 including memory 701, See Figures 5 and 11, in step 229).

Referring to claim 8, the Narayan reference discloses a condition selection (the picture management system software providing database searching and editing function) step of selecting a desired photographing condition from photographing conditions that are stored in association with respective images in said first storage step; and a transfer step of transferring the photographing condition selected in said condition selection step to the image sensing apparatus (See Col. 13, lines 40-64).

Referring to claim 9, the Narayan reference discloses wherein said condition selection step comprises selecting a photographing condition by designating a desired image (such as

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date the file, file size and path name to match with the desired image, see Col. 14, lines 30-34).

Referring to claim 10, the Narayen reference discloses wherein said condition selection step comprises selecting a photographing condition by designating values of some of a plurality of setting items (such as date the file, file size, path name and file type and number of pixels) of the photographing condition.

Referring to claim 11, the Narayen reference discloses a partial selection step of selecting some of a plurality of setting items of the photographing condition selected in the condition selection step, wherein said transfer step comprises transferring only the photographing condition setting items selected in said partial selection step (user can input text for useful later searching for a particular picture).

Referring to claim 12, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 13, the Narayen reference discloses wherein said condition selection step comprises selecting a step comprises selecting a photographing condition by designating a photographing status as show in Figure 12A-C.

Referring to claim 21, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 22, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 2.

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Referring to claim 23, the Narayen reference discloses storage means stores the image and photographing condition in internal memory (RAM 4 in Figure 1 and RAM 13 in Figure 6).

Referring to claim 24, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 25, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 26, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 27, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 28, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 29, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 30, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Referring to claim 31, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 32, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 2.

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Referring to claim 33, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 23.

Referring to claim 34, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 35, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 36, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 37, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 38, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 39, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 40, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Referring to claim 54, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 55, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 56, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 3.

Referring to claim 57, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 4.

Referring to claim 58, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 59, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 6.

Referring to claim 60, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 61, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 62, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 63, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 64, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 65, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 66, the Narayen reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Conclusion

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9306

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.



TUAN HO
PRIMARY EXAMINER

Lin Ye
March 24, 2004